

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 444

September 19, 1995, 4:37 p.m.
Page S-13805 Temp. Record

AGRICULTURE APPROPRIATIONS/Poultry Products Labeling

SUBJECT: Agriculture, Rural Development, and Related Agencies Appropriations Bill for fiscal year 1996 . . . H.R. 1976. Boxer motion to table the committee amendment beginning on page 83, line 4.

ACTION: MOTION TO TABLE FAILED, 38-61

SYNOPSIS: As reported, H.R. 1976, the Agriculture, Rural Development, and Related Agencies Appropriations Bill for fiscal year 1996, will provide \$63.78 billion in new budget authority, 80 percent of which will be for mandatory spending programs, and 63 percent of which will be for food welfare programs.

The committee amendment beginning on page 83, line 4, would prohibit funding for implementing or enforcing the regulation promulgated by the Food Safety and Inspection Service on August 25, 1995 on poultry labeling or for developing compliance guidelines for that regulation. (That regulation will only allow a "fresh" label to appear on those poultry products that have not been chilled below 26 degrees Fahrenheit.) The committee amendment would only allow this regulation to take effect if enacted into law, and would only allow a revised version to take effect if approved by the Agriculture Committees of Congress. As amended, it would also: eliminate the Board of Tea Experts; prohibit using funds from this Act to pay salaries and expenses of Department of Agriculture employees to grade or inspect tobacco or to administer price support functions for tobacco; strike the \$41 million in the bill for disaster assistance for cotton producers (see vote No. 339); and prohibit using funds from this Act to pay salaries and expenses of Department of Agriculture employees to administer a price support or production adjustment program for peanuts.

Debate was limited by unanimous consent. Following debate, Senator Boxer moved to table the amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

Those favoring the motion to table contended:

Four out of five consumers say they prefer fresh poultry to poultry that has been frozen, and 86 percent of consumers say that it is wrong to label poultry that has been frozen as fresh. However, under current Federal regulations, any poultry product that has not

(See other side)

YEAS (38)			NAYS (61)			NOT VOTING (1)	
Republicans (7 or 13%)	Democrats (31 or 67%)		Republicans (46 or 87%)	Democrats (15 or 33%)		Republicans (1)	Democrats (0)
Chafee	Akaka	Kennedy	Abraham	Inhofe	Biden	Hatfield- ^{3AY}	
Cohen	Baucus	Kerrey	Ashcroft	Jeffords	Breaux		
DeWine	Bingaman	Kerry	Bennett	Kassebaum	Bumpers		
Gorton	Boxer	Lautenberg	Bond	Kempthorne	Byrd		
Packwood	Bradley	Leahy	Brown	Kyl	Conrad		
Snowe	Bryan	Levin	Burns	Lott	Ford		
Thompson	Daschle	Lieberman	Campbell	Lugar	Heflin		
	Dodd	Mikulski	Coats	Mack	Hollings		
	Dorgan	Moseley-Braun	Cochran	McCain	Inouye		
	Exon	Moynihan	Coverdell	McConnell	Johnston		
	Feingold	Murray	Craig	Murkowski	Kohl		
	Feinstein	Pell	D'Amato	Nickles	Nunn		
	Glenn	Reid	Dole	Pressler	Pryor		
	Graham	Sarbanes	Domenici	Roth	Robb		
	Harkin	Simon	Faircloth	Santorum	Rockefeller		
		Wellstone	Frist	Shelby			
			Gramm	Simpson			
			Grams	Smith			
			Grassley	Specter			
			Gregg	Stevens			
			Hatch	Thomas			
			Helms	Thurmond			
			Hutchison	Warner			
						EXPLANATION OF ABSENCE:	
						1—Official Business	
						2—Necessarily Absent	
						3—Illness	
						4—Other	
						SYMBOLS:	
						AY—Announced Yea	
						AN—Announced Nay	
						PY—Paired Yea	
						PN—Paired Nay	

Compiled and written by the staff of the Republican Policy Committee—Don Nickles, Chairman

been chilled below 0 degrees Fahrenheit (32 degrees below freezing) may be labeled as fresh. That current regulation is ridiculous. Eight years ago California tried to do something about that regulation by adopting a stricter, commonsense standard for California--any chicken or turkey that has ever been chilled to 32 degrees Fahrenheit or colder may not be labeled as fresh. That standard was thrown out in court as a restriction on interstate trade. The battle then shifted to get the Department of Agriculture to come up with better regulations. It finally has. It has issued new, fair regulations which are supposed to go into effect next year.

Some of our colleagues oppose those regulations. They represent States with producers who ship frozen chickens and turkeys to other States and then put "fresh" labels on them on the supermarket shelves. Those Senators have managed to include a committee amendment in this bill that will block the implementation of the new regulations. They should not be allowed to get away with this action. When a chicken or turkey has been chilled to below freezing, and is hard as a rock, it is not fair to consumers to thaw it out and label it as "fresh." We trust our colleagues agree, and will therefore join us in voting to table this committee amendment.

Those opposing the motion to table contended:

For Senators who are not familiar with this issue, the vote they are about to take has nothing whatsoever to do with food quality or safety. Instead, it is about one State, California, which wants protectionist policies against other States' poultry products. In particular, California wants to be able to stop the sale of chickens from the South. Those chickens have to be shipped a great distance. To preserve the safety of the meat, they are chilled to below 26 degrees Fahrenheit. Our colleagues contend that the qualities that distinguish "fresh" from previously frozen chicken are measured from this point. Presumably, then, they must think that a chicken that is chilled to between 26 degrees Fahrenheit and 32 degrees Fahrenheit, even though such a chicken is frozen solid, is still fresh. This point is key--the truth is that the farther below freezing one chills poultry the less it will taste fresh. We agree that the current regulation of 0 degrees Fahrenheit is too low a mark; poultry chilled to that point, when thawed, does not taste fresh. However, the 26 degree point is too high--a medium temperature needs to be found, and a few degrees of variance should be allowed due to the difficulty in precisely controlling temperature. The reason for setting a 26 degree Fahrenheit temperature, we believe, was to make it prohibitively expensive to ship poultry from some States into California. It seems that under this Administration the Department of Agriculture is willing to rewrite a regulation in a patently unfair manner just to benefit one State. We are not willing to let this regulation go forward and have consequently proposed this committee amendment to block it. We will of course oppose the motion to table this amendment.